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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/783,093      | 02/23/2004  | Mordecai Dunst       | 1954-393            | 3524             |

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EXAMINER

KASZTEJNA, MATTHEW JOHN

ART UNIT PAPER NUMBER

3739

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/783,093

Applicant(s)

DUNST, MORDECAI

Examiner

Matthew J. Kasztejna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 21-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 21-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Notice of Amendment***

In response to the amendment filed on June 12, 2006, new claims 21-34 are acknowledged. The current rejections of the claims are *withdrawn*. The following new grounds of rejection are set forth:

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 21-34 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No 5,665,052 to Bullard.

**In regards to claims 1 and 27**, Bullard discloses a blade assembly for a laryngoscope 20 including a handle 50, said blade assembly comprising; base for coupling to the handle; an elongated blade 30 secured to the base, said elongated blade having a proximal end, a distal end, an upper surfaces and a lower surface, said lower surface of said elongated blade being secured to said base at said proximal end a first guide tube 60 secured to said upper surface of said elongated blade and having a proximal end and a distal end; and a second guide tube 68 secured to said upper surface of said elongated blade adjacent said first guide tube and having a proximal end and a distal end, said first and second guide tubes being constructed and arranged to

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direct tubes extended therethrough into the oral cavity of a patient (see Fig. 2 and Col. 4, Lines 45-65).

**In regards to claims 2 and 28,** Bullard discloses a blade assembly for a laryngoscope, wherein said first guide tube is substantially straight and said second guide tube is curved (see Fig. 1).

**In regards to claims 3 and 29,** Bullard discloses a blade assembly for a laryngoscope, wherein said elongated blade is curved.

**In regards to claim 4,** Bullard discloses a blade assembly for a laryngoscope, further comprising a light attached to said elongated blade (see Col. 4, Lines 20-40).

**In regards to claim 5,** Bullard discloses a blade assembly for a laryngoscope, further comprising a tongue deflector having a portion extending in a direction transverse to the upper surface of the elongated blade along a marginal edge segment of said elongated blade (see Col. 1 Lines 60-67).

**In regards to claims 6 and 34,** Bullard discloses a blade assembly for a laryngoscope, wherein said first and second guide tubes are oriented at different angles of attack with respect to said elongated blade so that when said elongated blade is placed atop the tongue of a patient to effect laryngeal suspension, said first end second guide tubes direct respective tubes extended therethrough into different regions of the patient's oral cavity (see Figs. 3-4).

**In regards to claims 21 and 30,** Bullard discloses a blade assembly for a laryngoscope, wherein the proximal end of the first guide tube and the proximal end of

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the second guide tube are both positioned at the proximal end of the elongated blade (see Fig. 1).

**In regards to claims 22-24 and 31-32,** Bullard discloses a blade assembly for a laryngoscope, wherein the guide tubes are secured via a connection 62 which allows the tubes to be advanced and retracted (see col. 5, Lines 8-33). Thus the guide tubes are capable of being in any position as desired by the operator.

**In regards to claims 25-26 and 33,** Bullard discloses a blade assembly for a laryngoscope, further comprising a first aspiration tube inserted into the first guide tube and a second aspiration tube inserted into the second guide tube (see Col. 4, Lines 50-65).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

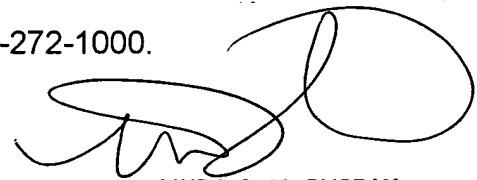
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJK *ms*

8/17/6



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